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March 9, 2020

Hon. Katherine Polk Failla, USDJ  
United States District Court  
for the Southern District of New York  
40 Foley Square  
New York, New York 10007  
VIA ECF

**MEMO ENDORSED**

**Re: Williams et al v. Movage, Inc. et al**  
**Docket No.: 17-cv-02628-KPF**

Dear Judge Failla,

I am co-counsel for Plaintiffs in the above-captioned action. I submit this letter on behalf of Plaintiffs as both a status report on settlement discussions and a request that Your Honor extend our time to submit a fully executed settlement agreement for the *Cheeks* review from today to 2 weeks hence, i.e. March 23, 2020. This is a second request of this kind, the first one having been granted by Your Honor on February 10, 2020. There is no prejudice to any party. My co-counsel and I sought opposing counsel's consent and, as far as I can deduce his Delphic pronouncements, he has granted it in exasperation.

The length and intensity of negotiations at bar seems to resemble those over the Lateran Pacts, but we are working very hard to bring the agreement in principle to an end, and we need Your Honor's indulgence in this regard. Until today, my co-counsel and I believed that there were four problematic areas with Defendants' proposed draft settlement agreement:

1. The need for clauses clarifying various issues regarding the settlement payment.
2. The scope of the release which appeared to be a full general release.
3. The non-disparagement clause was, in Plaintiffs' counsel's view, a confidentiality clause by a different name.
4. Defendants' desire, in the absence of full diversity and proper amount in controversy, to have Plaintiffs nevertheless to agree to this Court's subject matter jurisdiction to interpret and enforce the settlement agreement even if this Court refuses to retain subject matter jurisdiction in its order of dismissal.

However, Defense counsel advised us late afternoon today that he acceded to Plaintiffs' position on these four issues and wanted Mr. Breud and me to draft a final version of the document for his review and approval. We will do so in the next two days. But as Your Honor can appreciate, once Defense counsel agrees to the final language of the document, there will be 12 litigants who will have to execute it. Hence the need for the additional time.

Consequently, we respectfully request that Your Honor grant an extension of time for the parties to submit a submit a ***Cheeks*** motion from today to March 23, 2020.

Thank you for your attention to the foregoing.

Respectfully submitted,

/s/Robert Wisniewski  
Robert Wisniewski

cc: (via ECF)  
Joshua Lurie  
Eugene Strupinsky  
Counsel for Defendants

Application GRANTED. The parties have until March 23, 2020, to submit materials for approval pursuant to *Cheeks*. There will be no further extensions. If the parties have failed to submit by that date, the Court ORDERS the parties to appear for a conference on March 25, 2020, at 10:00 a.m. in Courtroom 618 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York.

For the future, the Court advises plaintiffs' counsel to be more mindful of the language it uses in discussing opposing counsel.

Dated: March 10, 2020  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE